

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAUKAT "SAL" MAREDIA, et al.,) 1:05-cv-00393-OWW-SMS
)
Plaintiffs,) ORDER GRANTING THE MOTION OF
) CHARLES L. DOERKSEN TO WITHDRAW
v.) AS ATTORNEY OF RECORD (DOC. 51)
)
PHILIP MORRIS USA INC., et) DIRECTIONS TO CLERK TO UPDATE THE
al.,) DOCKET
)
Defendants.) INFORMATIONAL ORDER TO PLAINTIFF
)
_____)
)
PHILIP MORRIS USA INC.,)
)
Counter-Claimant,)
)
v.)
)
SHAUKAT "SAL" MAREDIA,)
)
Counter-Defendant.)
_____)

Plaintiff and Counter-Defendant Saukat "Sal" Maredia is proceeding with a civil action in this Court. Plaintiff's counsel has filed a non-dispositive motion that has been referred to the Magistrate Judge for determination pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302(c)(1) and 72-303.

The notice of motion and motion of Charles L. Doerksen to withdraw as attorney of record for Plaintiff Shaukat "Sal" Maredia was filed on February 2, 2006, along with a declaration

1 of Charles L. Doerksen and a memorandum in support of the motion.
2 Proof of service indicates that the documents were served by mail
3 and by facsimile transmission on February 2, 2006, on Plaintiff
4 Maredia at the address and telephone number that counsel
5 identifies in his declaration as belonging to Plaintiff. On
6 February 23, 2006, Defendant Philip Morris USA Inc. filed non-
7 opposition to the motion to withdraw. The hearing on the motion
8 was originally set for March 17, 2006; however, the hearing was
9 vacated, and the motion was submitted on the pleadings.

10 I. Background

11 This action was removed to this Court on March 24, 2005.
12 Discovery is proceeding and is due to be completed by September
13 29, 2006. Defendant's motion to compel further responses to
14 interrogatories and requests for production and for sanctions and
15 notice thereof is set to be heard on March 24, 2006.

16 II. The Motion to Withdraw as Attorney of Record

17 Attorney Charles L. Doerksen, the moving party, declares
18 that in addition to the mail and facsimile service of the motion
19 and supporting papers on Plaintiff on February 2, 2006, Doerksen
20 also spoke with Plaintiff by telephone that day and informed him
21 of the motion and of the date set for hearing. Further, after
22 undisclosed issues arose between counsel and his client over the
23 month preceding the filing of the motion, Doerksen asked
24 Plaintiff if he could withdraw, and Plaintiff agreed. Doerksen
25 has submitted a copy of a substitution of attorney form that
26 Plaintiff Maredia signed and dated January 26, 2006. The
27 complaint attached to the notice of removal indicates that
28 Plaintiff Maredia is an adult individual, and the other named

1 Plaintiff, Cigarette King, constitutes tobacco stores owned by
2 Plaintiff Maredia.

3 The grounds of the motion are the mutual consent of the
4 party and the moving attorney.

5 Local Rule 83-182 provides that an attorney may request
6 withdrawal if grounds exist pursuant to the Rules of Professional
7 Conduct of the State Bar of California. Rule 3-700(C)(5) of those
8 rules permits withdrawal if the client knowingly and freely
9 assents to termination of the employment. Here, the client's
10 consent is established by counsel's declaration that the client
11 consented, and the lack of any opposition to the motion by
12 Defendants.

13 Good cause having been shown, and in view of the lack of
14 opposition to the motion, the motion of Charles L. Doerksen to
15 withdraw as counsel for Plaintiffs IS GRANTED.

16 III. Direction to the Clerk of the Court to Update
17 the Docket to Reflect Plaintiff's Pro Se Status
and Address

18 Further, because the withdrawal of counsel results in
19 Plaintiff's proceeding pro se in this action, the Clerk of Court
20 IS DIRECTED TO UPDATE the docket to reflect Plaintiff's pro se
21 status and Plaintiff's last known address of 13200 Seann Court,
22 Bakersfield, California 93314, telephone (661) 304-2790, Fax
23 (661) 206-6062.

24 IV. Informational Order to Plaintiff re: Compliance with
25 the Scheduling Order and the Local Rules

26 **Plaintiff is advised that failure to take appropriate legal**
27 **action may result in serious legal consequences, and**
28 **consideration of obtaining legal assistance is strongly advised.**

1 Plaintiff is further advised that regardless of whether or
2 not Plaintiff is represented by counsel, Plaintiff will be
3 expected to comply with all the requirements and deadlines stated
4 in the Court's scheduling order of November 14, 2005. As a party
5 appearing in propria persona, Plaintiff is also required by Local
6 Rule 83-182(f) to notify the Clerk and all other parties of any
7 change of address or telephone number.

8 A failure to comply with an order of the Court may result in
9 a recommendation that the action be dismissed or other sanctions.
10 Local Rule 11-110.

11
12 IT IS SO ORDERED.

13 Dated: February 28, 2006
14 icido3

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE